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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,467	09/17/2001	Henry J. Riblet	81451CIP	9032

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/955,467

Applicant(s)

RIBLET, HENRY J.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/17/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first Office Action for serial number 09/955,467, Improved Bracket Assembly Lock, filed on September 17, 2001. Claims 1-19 are pending.

#### ***Title***

Examiner wishes to bring to applicant's attention that the title of the invention as listed on the Declaration and Transmittal Letter (dated 12/31/00) is "Bracket Assembly Lock"; but on the Information Disclosure Statement and page 1 of the Specification it is "Improved Bracket Assembly Lock". Correction for purposes of consistency is suggested.

#### ***Specification***

The disclosure is objected to because of the following informalities: on page 7, line 8 insert --that-- after "contact surface". Appropriate correction is required.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 110 on page 16, line 10. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: 22,

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45, 112, and 140. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*Note: Claims 5-11 have been rejected considering the subcombination of the lock only.*

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,970,277 to Riblet in view of U.S. Patent 4,597,471 to Anderson and further in view of U.S. Patent 878,455 to Carter. Regarding claims 1-19, Riblet discloses a lock (11) comprising: a pair of side members (24, 25) pivotally coupled to an angle bracket (10) by a fulcrum bar (32); an inner jaw (27) and outer jaw (26) coupled to the side members (24, 25); wherein the inner jaw (27) is mounted beneath the plane defined by the fulcrum bar and an outer jaw (26). Riblet does not disclose one of the inner or outer jaws having a contact surface that contacts the upright (U1) over a planar region (i.e. a flat contact surface) or the one of the inner or outer jaw being capable of pivoting relative to the side members (24, 25). Anderson discloses an apparatus for mounting on an upright (40) comprising an outer jaw (106) having a flat extended

contact surface with a plurality of surface irregularities, wherein the surface irregularities include rasps (at 106) or ripples (at 158), and wherein the rasps include tips which are coplanar. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the surface of one of the inner and outer jaws to be flat and include rasps or ripples because one would have been motivated to provide a means for gripping the upright as taught by Anderson (col. 9, lines 64 ff.). Riblet in view of Anderson discloses the lock as applied above but does not disclose one or both of the inner and outer jaws being capable of pivoting relative to the side members. Carter discloses an apparatus (Fig. 1) for mounting on an upright (U1) having an outer jaw (15) pivotally mounted on a bar (14) coupled to a pair of side members (12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified one or both of the inner and outer jaws to be pivotally mounted to the side members by a bar because one would have been motivated to permit a rolling roughened surface to provide a greater degree of frictional gripping action as taught by Carter (lines 60-64).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1416296 and 2216912 to Hoitsma; 4103856, 5941486, and 6273381 to Riblet


The above references disclose lock/bracket assemblies relevant to the present invention.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendment/communication).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
7/26/02

  
ANITA KING  
PRIMARY EXAMINER